IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9663 of 2005

Between:

Smt. M. Vijaya Kumari, W/o. G.B. Reddy,
R/o. Attapur, Rajendranagar Mandal, R.R.District.

..... PETITIONER

AND

1 Joint Collector, R.R.District, at Hyderabad.
2 Mandal Revenue Officer, Rajendranagar Mandal,
Rajendranagar, R.R.Distriat at Hyderabad.
3 Mandal Surveyour, Mandal, Revenue Office, Rajendranagar, R.R.Distriat at Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ or order or direction, more particularly in the nature of writ of Mandamus, declaring the action of the 3rd respondent in not conducting survey and not fixing the boundaries in respect of the petitioners landin Sy.No.53 in an extent of Ac.0.24 guntas situated at Attapur Village, Rajendranagar Mandal, R.R.District is bad, and illegal consequently direct the 3rd respondent to conduct survey and fix the boundaries of the petitioners land.

Counsel for the Petitioner: MR.KURITIBHASKARA RAO

Counsel for the Respondents: GP FOR REVENUE

This Court at the admission stage made the following:

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.9663 OF 2005

ORDER :

This writ petition is filed seeking a Writ of Mandamus declaring the alleged action of the third respondent in not conducting survey and not fixing the boundaries in respect of the petitioner's land to an extent of Ac.0-24 guntas situated in Sy.No.53 of Attapur Village, Rajendranagar Mandal, Rangareddy District as arbitrary and illegal.

The petitioner claims to be the absolute owner and possessor of the land in question. On 17-09-2004 he made an application together with the Challan for Rs.150/- requesting the third respondent – Mandal Surveyor to survey and fix the boundaries in respect of the land in his possession. In pursuance thereof, the third respondent issued a notice informing all the neighbouring landowners that the survey will be conducted on 22-11-2004 and calling upon them to be present on that date. However, the survey did not take place on that date and the third respondent

by notice dated 8-4-2005 refixed the date of survey as 13-04-2005. However, the survey was not conducted even on 13-04-2005 without there being any justifiable reason. Hence, this writ petition contending *inter alia* that as per Sections 7, 8 and 10 of A.P. Survey and Boundaries Act, 1923, the third respondent is bound to carryout the survey as required by the petitioner after collecting the necessary charges and the inaction on the part of the third respondent is arbitrary and illegal.

The learned Government Pleader for Revenue appearing for the respondents, under instructions, states that the third respondent will consider the request of the petitioner and would carryout the survey in accordance with law.

Accordingly, the Writ Petition is disposed of with a direction to the third respondent to refix the date for survey as requested by the petitioner in his application dated 17-09-2004 and to carry out the same following due process of law as expeditiously as possible preferably within a period of two months from the date of receipt of this order.

29th April, 2005.

Note:- CC in two days.

(B/O)

ghn

To

1 Joint Collector, R.R.District, at Hyderabad.
2 Mandal Revenue Officer, Rajendranagar Mandal,
Rajendranagar, R.R.Distriat at Hyderabad.
3 Mandal Surveyour, Mandal, Revenue Office, Rajendranagar, R.R.Distriat at Hyderabad.

4 Two CCs to the Government Pleader for Revenue, High Court of A.P., Hyderabad. (O.U.T.)

5 Two CD copies.